

REMARKS

In response to the above-identified Final Office Action ("Action"), Applicant traverses the Examiner's rejection of the claims and seeks reconsideration thereof. Claims 1-7 and 13-17 are pending in the present application. Claims 4, 5 and 13-16 remain withdrawn. In this response, claim 1 is cancelled and claims 2, 3, 6 and 17 are amended, no claims are added and no claims are cancelled.

I. Examiner Interview Summary

Applicant respectfully submits herewith a summary of the Examiner Interview conducted on May 22, 2007 and acknowledges with appreciation the Examiner's time and consideration during the Interview. The Interview was conducted via telephone between Examiner Webb, the Examiner's Supervisor and Applicant's Attorney Stacie J. Sundquist. During the Interview the rejection of claim 17 under 35 U.S.C. 103(a) in view of U.S. Patent No. 5,861,631 issued to Wendlandt ("Wendlandt") and U.S. Patent No. 5,308,994 issued to Ohta ("Ohta") was discussed. Applicant's attorney pointed out that the combination of Wendlandt and Ohta to teach the claimed combination of elements was improper in view of the structural and mechanical features disclosed in the references. At the conclusion of the Interview, the Examiner agreed with Applicant's position and requested that Applicant file a response to the Final Office Action pointing out Applicant's position. The Examiner indicated he would re-examine the prior art to determine whether the combination of elements recited in claim 17 may be found. The Examiner indicated upon review of Applicant's response and the prior art, he would reopen prosecution and issue a non-final Office Action citing any new prior art uncovered.

II. Claim Amendments

Applicant respectfully submits herewith amendments to claims 2, 3, 6 and 17.

Claim 17 is amended to correct a typographical error. In particular, the term "photostimulable" is amended to recite "photostimulatable."

Claims 2, 3 and 6 are amended to depend from claim 17 instead of now cancelled claim 1. Since each of the elements recited in claims 2, 3, 6 and 17 have been previously examined by the Examiner, the amendments to claims 2, 3 and 6 would not require further consideration or examination by the Examiner.

Since the amendments are supported by the specification, do not add new matter and require only a cursory review by the Examiner (see MPEP §714.13(II)), Applicant respectfully requests consideration and entry of the amendments to claims 2, 3, 6 and 17.

III. Claim Rejections – 35 U.S.C. §102

In the outstanding Action, claims 1-3 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by Wendlandt.

In regard to the rejections on this basis, Applicant respectfully submits claim 1 is cancelled and claims 2, 3 and 6 are amended to depend from claim 17. As admitted by the Examiner on page 4 of the Action, Wendlandt fails to teach at least the element of a cover having “a second position revealing the photostimulatable unit while the photostimulatable unit resides within the housing” as recited in claim 17 and further found in amended claims 2, 3 and 6. Since each and every element of claims 2, 3 and 6 is not found within the reference, anticipation may not be established. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2, 3 and 6 under 35 U.S.C. §102 over Wendlandt.

IV. Claim Rejections – 35 U.S.C. §103

A. In the outstanding Action, claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wendlandt as applied to claim 3, and further in view of U. S. Publication No. 2004/0124368 issued to Struye et al (“Struye”). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest the claimed combination of elements or identify an apparent reason to combine prior art elements in the manner claimed.

Claim 7 depends from claim 17 and incorporates the limitations thereof. For at least the reasons previously discussed, Wendlandt fails to teach, suggest or provide any apparent reasons for at least the elements of a cover having "a second position revealing the photostimulatable unit while the photostimulatable unit resides within the housing" as recited in claim 17 and further found in claim 7.

Struye may not be relied upon to cure the deficiencies of Wendlandt with respect to each of these elements. In particular, the Examiner has not pointed to, and Applicants are unable to discern, a portion of Struye teaching or suggesting each of these elements. The Examiner has further not identified any apparent reason to modify Wendlandt in view of Struye to include the claimed combination of elements. Thus, for at least the foregoing reasons, claim 7 is not *prima facie* obvious over Wendlandt in view of Struye. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 7 under 35 U.S.C. §103 over Wendlandt in view of Struye.

B. In the outstanding Action, claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wendlandt in view of Ohta. Applicant respectfully traverses the rejection.

Applicant respectfully submits the combination of Wendlandt in view of Ohta may not be relied upon to disclose at least the elements of "a cover movably coupled to the housing to move between a first position concealing the photostimulatable unit and a second position revealing the photostimulatable unit while the photostimulatable unit resides within the housing" as recited in claim 17.

As a result of the claimed first and second cover positions, the photostimulatable unit may be exposed to a scanner and read while still within the housing. Thus, the deleterious effects on the photostimulatable unit due to removal, transport of the plate through a reader using rollers and replacement of the plate are eliminated. Neither Wendlandt nor Ohta preserve or protect the photostimulatable unit from wear in the manner achieved by claim 17.

Wendlandt teaches a storage cassette having a shell 12 within which a plate 30 having phosphor 32 disposed on an upper surface is housed. The plate 30 is removed from an end of shell 12 which is sealed by end member 28 of plate 30 for reading by pulling end member 28 and

in turn the plate 30. The shell 12 may not be in a closed position in the absence of the plate 30 because end member 28 of plate 30 closes off the open end. See Wendlandt, col. 4, lines 55-58. The Examiner alleges the shell 12 of the cassette in Wendlandt teaches the cover and the storage phosphor 32 disposed on an upper surface of the plate 30 teaches the photostimulatable unit recited in claim 17. See Action, page 4.

Ohta teaches a storage cassette in the shape of a box 12 which includes a hinged cover 13 which closes off a top portion and end of box 12. See Ohta, Figure 4. A stimulable phosphor sheet 11 within box 12 may be read by inserting box 12 into read-out apparatus 40, apparatus 40 then mechanically opens cover 13, removes sheet 11 from the end of box 12 and conveys sheet 11 through a read out section 62 using rollers. See Figure 5.

The Examiner alleges it would be obvious to modify Wendlandt to include the hinged cover of Ohta to teach "a second position revealing the photostimulatable unit while the photostimulatable unit resides within the housing" because it would allow the plate in Wendlandt to be extracted mechanically along a guide apparatus within the housing, presumably as shown in Ohta. See Action, page 4.

Applicant does not understand how, in view of the references, the potential for mechanical extraction would motivate one of ordinary skill in the art to include a cover which reveals a photostimulatable unit while the unit is in the housing as claimed. The purpose of the hinged cover in Ohta is not to allow for exposure of a photostimulatable unit while the unit is within the housing. Rather, in both Wendlandt and Ohta, the purpose of opening the housing is so that a plate within the housing can be removed for reading. Moreover, there is no suggestion in Wendlandt that the technique for removing the phosphor plate 30 is not compatible with existing readers such that it would be desirable to modify its structure, and in fact Wendlandt teaches just the opposite. See Wendlandt, col. 2, lines 13-15. Moreover, it is unclear whether it would even be mechanically possible to run plate 30 having end member 28 of Wendlandt through read out section 62 as disclosed in Ohta. Accordingly, there would be no reason in view of either reference to modify the entire cassette structure of Wendlandt to have "a second position revealing the photostimulatable unit while the photostimulatable unit resides within the housing."

In addition, to teach the claimed "first position concealing the photostimulatable unit" as alleged by the Examiner, a portion of the alleged cover (shell 12) in Wendlandt must include an end member 28 of plate 30. Thus, it would not be desirable to modify Wendlandt to include a hinged cover as disclosed in Ohta. In particular, if a portion of the shell 12 of Wendlandt is hinged to open a portion of the shell top and end as shown in Ohta, end member 28 of plate 30 would be raised along with the upper panel thereby bending plate 30. Accordingly, the alleged modification of Wendlandt, if even mechanically possible, would certainly not be desirable.

Lastly, even if it were possible to combine the references, and Applicant does not believe it would be, the combination still does not provide a photostimulatable unit which may be read while still within the housing.

Thus, for at least the foregoing reasons, claim 17 and its dependent claims 1, 3, 6 and 7, are not *prima facie* obvious over Wendlandt in view of Struye. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 17 under 35 U.S.C. §103 over Wendlandt in view of Ohta.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: May 22, 2007

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CERTIFICATE OF FACSIMILE:

I hereby certify that this correspondence is being transmitted via facsimile No. (571)273-8300 to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 22, 2007.

Si Vuong